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IU-013-CON-6:TQH:148584 WENMM/SB/05 (4-01)

Approved for use through 10/31/2002 OMB 0651-0032

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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

Only for new nonprovisional applications under 37 CFR § 1.53(b))

Attorney Docket No.

7037-438

First Inventor

David R. Hathaway

Title

APPARATUS AND METHOD FOR POSITIVE CLOSURE OF
AN INTERNAL TISSUE MEMBRANE OPENING

Express Mail Label No.

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents

Assistant Commissioner for Patents
ADDRESS TO: Box Patent Application
Washington, DC 20231

J1036 U.S. PTO
10/008781

1. *Fee Transmittal Form (e.g., PTO/SB/17)
(submit an original and a duplicate for fee processing)
2. Applicant claims small entity status.
3. Specification [Total Pages 36]
(preferred arrangement set forth below)
 - Descriptive title of the Invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference sequence listing, a table, or a computer program listing appendix or computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - CD-ROM or CD-R (2 copies); or
 - paper
 - c. Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

4. Drawing(s) (35 U.S.C. 113) [Total Sheets 28]
 - Informal Formal
5. Oath or Declaration [Total Pages 64]
- a. Newly executed (original or copy)
- b. Copy from a prior application (37 C.F.R. § 1.63(d))
(for continuation/divisional with Box 18 completed)
- i. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).
6. Application Data Sheet. See 37 CFR 1.76

9. Assignment Papers (cover sheet & document(s))
10. 37 C.F.R. § 3.73(b) Statement (when there is an assignee)
 - Power of Attorney
11. English Translation Document (if applicable)
12. Information Disclosure Statement (IDS)/PTO-1449
 - Copies of IDS Citations
13. Preliminary Amendment
14. Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. Certified Copy of Priority Document(s)
(If foreign priority is claimed)
16. Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i).
Applicant must attach form PTO/SB/35 or its equivalent.
17. Other:

18. If a CONTINUATING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP) of prior application No: 09/553,267

Prior application information: Examiner: Woo Group / Art Unit: 3731

For CONTINUATION or DIVISIONAL APPS only. The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

Correspondence address below

or

Name	Thomas Q. Henry Woodard, Emhardt, Naughton, Moriarty and McNett				
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Name (Print/Type)					
Signature	<i>Thomas Henry</i>				
	Registration No. (Attorney/Agent)				
	Date Nov. 13, 2001				

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Date of Deposit November 13, 2001

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR Section 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington DC 20231.

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FEE TRANSMITTAL FOR FY 2001

Patent fees are subject to annual revision.

Total Amount of Payment (\$740.00)

Attorney Docket Number 7037-438

Complete if Known

Application Number	
Filing Date	
First Named Inventor	David Hathaway
Group Art Unit	3731
Examiner Name	Woo

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge indicated fees and credit any over payments to
 23-3030
Deposit Account Number
Deposit Account Name Woodard, Emhardt, Naughton, Moriarty & McNett
 Charge any Additional Fee Required
Under 37 CFR 1.16 and 1.17
 Applicant claims small entity status
See 37 CFR 1.27

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge – late filing fee or oath	
127	50	227	25	Surcharge – late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive – unavoidable	
141	1,240	241	620	Petition to revive – unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other Fee (specify)					

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

**or number previously paid, if greater; For Reissues, see above

SUBMITTED BY		Complete (if applicable)			
Name (Print/Type)	Thomas Q. Henry	Registration No. (Attorney/Agent)	28,309	Telephone	(317) 634-3456
Signature				Date	Nov. 13, 2001

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